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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000215

SIPDIS

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SUBJECT: PRT SALAH AD DIN: MOD TRIES TO EVICT RESIDENTS OF PROPERTIES IT CLAIMS

Classified By: PRT Team Leader Rick Bell for reasons 1.4 (b) and (d).

¶1. (U) This is a PRT Salah ad Din reporting cable.

(U) Summary

¶2. (C) SUMMARY: The Ministry of Defense (MoD) has issued orders to the 4th Iraqi Army (IA) Division to expel thousands of people, some of them IDPs, from various neighborhoods in Tikrit that MoD considers its property. The deadline is January 30 (one day before provincial elections), with the proviso that no forcible measures are authorized for now. The Deputy Governor has asked for the PRT's support to ensure this matter is properly coordinated through the Prime Minister's Office. END SUMMARY.

¶3. (C) Over the past two years the PRT has received numerous reports that Iraqi Police (IP) and IA in Tikrit were telling IDPs to leave their homes. Many of these IDPs were reportedly squatting on Ministry of Defense (MoD) and Tikrit University land located near COB Speicher. IDPs in Tikrit have not yet been evicted, but they report numerous instances of harassment or refusal to provide public services. For instance, they say the IP cut the (admittedly illegal) electric power connections to their homes, and provincial officials rejected CF proposals to pipe clean water into IDP residential areas.

¶4. (C) The MoD issued orders to the IA 4th Division (4IA) on December 21, 2008, and January 9, 2009, instructing it to "evacuate all the squatters from houses that belong to the Ministry of Defense..." in various neighborhoods in and around the town of Tikrit. Another order was issued on January 13, 2009 stating that squatters have until January 30, 2009 to leave their homes. The neighborhoods listed in the December 21 order include Hamadi Shahab, Al Seqour, Musgarat, Qadisiyya and Tikrit City Center. These locations have an approximate population of 2,000-3,000 each. (NOTE: No proper census has been completed for these areas. END NOTE.) Some of the residents really are squatters, and some of those are IDPs. Others, according to Deputy Governor Abdullah Jebara, are legitimate rent-paying tenants: some are members of the former army, and the rest are Iraqi Police (IP) or Governorate employees, living there with the blessing of the provincial authorities. It is not clear whether MoD's intent applies to the legitimate tenants as well as to squatters. The December 21 directive orders the IA to "coordinate with CF to prepare a force to protect and receive the houses officially under the supervision of a committee formed by our headquarters, do what it takes and brief us with your actions ASAP because it is required by higher; also be advised that the houses will be received by Salah ad Din Police Department then will be handed over to the formed committee of the Division headquarters..."

¶5. (C) After the orders were issued, the Deputy Governor explained the situation to the PRT as follows:

- the lands in question used to belong to the MOD but, after

the fall of the Saddam regime, the properties outside town were transferred to the Ministry of Finance (MOF) and those in town were transferred to the Ministry of Municipalities and Public Works (MOMPW);

- recently, the Iraqi National Security Council decided that the properties should be returned to MOD;

- approximately 12,000 persons would be affected;

- the proper way to proceed is for the Prime Minister's Office to instruct MOMPW and MOF to return the land to MOD;

- eviction notices should be obtained through the courts;

- legitimate tenants are entitled to six months' notice, whereas squatters can be evicted without notice; Whereas squatters can be evicted without notice;

- the Deputy Governor told 4IA that the MOD orders are not legal; 4IA was receptive to his recommendation to form a joint committee among the three ministries to address the issue;

- the Director of Governmental Real Estate for Salah ad Din Province went to Baghdad to seek clarification of the issue, and found that MOF had no instructions;

- Deputy Governor Abdullah Jebara said he would tell the Provincial Director of Police (PDOP) not to carry out any evictions pending clarification;

- Jebara asked for the PRT's help in getting this issue

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resolved through proper coordination among Iraqi governmental stakeholders.

¶6. (C) On January 27, Deputy Governor Jebara shared with the PRT a letter from him to 4IA dated that day, copied to all three ministries, the PDOP and the Provincial Council, containing his recommendations: form joint committee; MOD to seek order from PM's Office transferring the properties back to it; take care of the ex-army residents who are living there by order from the former army; for other legitimate residents, get court orders and give six months' notice; local authorities to evict squatters directly.

(U) COMMENT

¶7. (C) Given that the deadline is the day before provincial elections, the timing could be seen as an attempt to disenfranchise citizens; however, the MOD's ban on forcible measures suggests the timing is merely coincidental. An attempt to expel squatters abruptly could create instability and a humanitarian issue, especially during the winter, when temperatures occasionally drop below freezing. The problems could spread if evictees are IDPs who go back whence they came and try to reclaim homes that are now occupied by other squatters. Eviction could create additional unemployment by uprooting individuals who have been settled in their current location for years and are now gainfully employed. A number of them live near COB Speicher and work on the base. The possibility that evictees could feel so ill-treated as to turn to the insurgency must be taken into account. Finally, many of those residing in these neighborhoods are members of the Sons of Iraq, IP and IA.

¶8. (C) The MOD has published several directives with regard to the removal of squatters from MOD property in SaD. The chain of custody for the orders has passed primarily through the logistics channels and not command. Thus far neither CF nor the PRT has seen any IP or IA activity to remove residents and have not been approached to assist as outlined in the MOD directive. The IP in SaD are totally focused on

election security: they have gone to 100 percent manning, and all leaves have been canceled. The PRT does not/not therefore anticipate that this issue is about to come to a head, but sees it as an example of uncoordinated governmental action - one which may be replicated in other parts of Iraq.

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